

Application No. 10/587,133
Amendment dated January 11, 2010
Reply to Office Action of July 9, 2009

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Docket No.: 63206B US

REMARKS

Claim Rejections – 35 USC § 103

The Examiner has rejected (a) Claims 1-3 and 5-14 as being obvious over U.S. Patent No. 6,300,419 (Sehanobish) in view of published U.S. Patent Application Publication No. 2002/0198350 (Machida) and (b) Claim 4 over Sehanobish in view of Machida and further in view of U.S. Patent No. 4,504,617 (Yui). The applicants respectfully traverse.

The Examiner's rejections of Claims 1-14 rise or fall on the teaching of Sehanobish and Machida. The secondary reference of Yui does not overcome the shortcoming of Sehanobish and Machida with regard to the presently pending Claim 4; as such, applicants will address all of the rejections together.

Sehanobish is directed to a propylene polymer composition having improved processability with a good balance of stiffness and toughness which demonstrates improved scratch resistance in injection molded articles. The composition of Sehanobish has several components. The component of most relevance to the present invention is component (a) a high crystalline propylene polymer. (See Col. 2, lines 40-41) If component (a) of Sehanobish as combined with Machida does not render obvious the propylene block copolymer of the present invention, the present claims are indeed patentable over the cited references.

Sehanobish describes component (a) the high crystalline propylene polymer as preferably a homopolymers of polypropylene or a copolymer, for example, a random or block copolymer, of propylene and an alpha-olefin, preferably a C₂ or C₄ to C₂₀ alpha-olefin. (See Col. 2, lines 46-50) In its preferred embodiment, component (a) is a propylene homopolymer, not a copolymer. (See Col. 3, lines 3-4) Notably, while Sehanobish teaches a variety of propylene polymers for use as component (a), it does not teach that a copolymer of any type is preferable to a propylene homopolymers. Essentially, Sehanobish teaches away from the selection of a block copolymer as the preferred component (a).

Machida is directed to propylene homopolymers and propylene copolymers having physical properties equivalent to or not lower than those of conventional propylene polymers and that can be controlled in a melt tension and are suited to foaming molding, sheet molding, and blow molding.

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Referring to Tables 1 and 2, the Examiner indicates that Machida teaches propylene homopolymers and copolymers having a M_z 1,000,000 or greater.

Applicants respectfully disagree with the Examiner's characterization of Tables 1 and 2 of Machida. Specifically, applicants note that Table 1 describes Examples 1 and 4 as having M_z 's below 1,000,000 and Comparative Example 1 as having an M_z greater than 1,000,000 and that Table 2 describes Examples 2, 3, and 5 as having M_z 's below 1,000,000 and Example 6 as having an M_z greater than 1,000,000. Essentially, Machida does not distinguish Comparative Examples or Examples based upon having an M_z greater than or less than 1,000,000. Machida does not recognize any significance of the presently claimed features. Moreover, Tables 1 and 2 do not ascribe any value to the rubber portion of the selected block copolymer of the present claims having an M_z equal to or greater than 1,000,000.

A person of ordinary skill in the art would not select the presently claimed invention based upon any combination of Sehanobish and Machida. Based upon Sehanobish and Machida, a person of ordinary skill in the art would not have reason to choose any of the propylene polymers of Tables 1 or 2, let alone the specific propylene block copolymer of the present claims, for use in the present claims. Claims 1-14 are directed to a selection over Sehanobish.

Accordingly, Claims 1-14 are not rendered obvious by any combination of Sehanobish and Machida. Additionally, Claim 4 is not obvious over Sehanobish in view of Machida or any further combination of Yui.

In view of the above-described Remarks, applicants believe the pending application is in condition for allowance.

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Respectfully submitted,



Kevin R. Hansbro
Registration No.: 38,485
THE DOW CHEMICAL COMPANY
2030 Dow Center
Midland, Michigan 48674
(979) 238-9041